

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**OHIO POWER COMPANY,**

**Plaintiff,**

**v.**

**GENERAL HYDROGEN CORP.,  
et al.,**

**Defendants.**

**Case No. 2:09-cv-016**

**JUDGE SARGUS**


**MAGISTRATE JUDGE ABEL**

**ORDER**

Pursuant to Rule 41(a), and with the agreement of all Parties, this action, including all claims and cross-claims, is **DISMISSED WITHOUT PREJUDICE**. Accordingly, all pending motions are also dismissed without prejudice. The Court takes no position on the applicability of the doctrines of collateral estoppel or res judicata, and Defendants may raise these defenses should Plaintiff refile this action. This Order does not apply to the pending settlement of claims between Plaintiff and Defendants General Hydrogen Corporation and General Hydrogen of West Virginia Corporation.

**IT IS SO ORDERED.**

9-8-2011  
**DATED**

  
**EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE**